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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 WESTERN DIVISION  
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12 JESSE ARGUMEDO,  
13 Petitioner,

14 v.

15 FRED FIGUEROA, Warden,  
16 Respondent.  
17

) Case No. LA CV 14-00338-VBF (AN)  
)  
)

) ORDER ACCEPTING THE FINDINGS  
) AND RECOMMENDATION OF THE  
) UNITED STATES MAGISTRATE JUDGE  
)  
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18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the file, including the  
19 Second Amended Petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254  
20 (Document (“Doc”) 8), respondent’s Answer and accompanying memorandum (Doc  
21 15), petitioner’s Reply (Doc 17), the Magistrate Judge’s well-reasoned Report and  
22 Recommendation (“R&R”) (Doc 19), and the applicable law. Petitioner failed to file  
23 objections in the required time and manner and, as a result, he has waived any  
24 challenge to the Magistrate Judge’s factual findings. *See Robbins v. Carey*, 481 F.3d  
25 1143, 1146-47 (9th Cir. 2007); *see, e.g., Burriola v. Nevada Dep’t of Corrs.*, 466 F.  
26 App’x 594, 596 (9th Cir. 2012) (by failing to object to the R&R or to the magistrate  
27 judge’s screening order dismissing some of his claims, section 1983 plaintiff “waived  
28 any challenge to the magistrate judge’s factual findings”) (citing *Martinez v. Ylst*, 915

1 F.2d 1153, 1156-57 (9th Cir. 1991)).

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3 IT IS ORDERED that:

- 4 1. The Court accepts the findings and recommendation of the R&R.  
5 2. The Second Amended Petition is denied.  
6 3. All pending motions are denied as moot and terminated.  
7 4. This action is dismissed with prejudice.  
8 5. As required by Fed. R. Civ. P. 58(a), final judgment will be entered by  
9 separate document.

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11 IT IS FURTHER ORDERED that the clerk of the Court shall serve a copy of this  
12 Order and the Judgment on all counsel or parties of record.

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15 Dated: August 28, 2014



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VALERIE BAKER FAIRBANK  
UNITED STATES DISTRICT JUDGE